

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Litter Issues Related to Solid Waste Hauling Activities

DEPARTMENT: Environmental Services **DIVISION:** Solid Waste Management

AUTHORIZED BY: Robert G. Adolphe, P.E. **CONTACT:** David Gregory **EXT.** 2022

Agenda Date 01/11/05 **Regular** ☐ **Consent** ☐ **Work Session** ☐ **Briefing** ☒
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☐

MOTION/RECOMMENDATION:

Staff seeks direction concerning issues related to litter caused by solid waste hauling activities.

BACKGROUND:

As directed at the November 9, 2004 Board of County Commissioners meeting, staff has conducted a preliminary investigation concerning litter management.

Litter on County roadways has been a reoccurring problem in Seminole County, especially in close proximity to the landfill and transfer station. It is obvious that much of this litter come from vehicles hauling solid waste. In general three types of vehicles haul solid waste: self-haul (mom & pop) customers, commercial solid waste customers, and County solid waste transfer vehicles.

Litter management in the proximity of the solid waste management facilities presents several challenges. While periodic litter pickup is conducted, new littering can happen at any time, even right after a pickup has occurred. Often the vehicle that caused the litter cannot be identified.

The Solid Waste Management Division will continue to pickup litter on roads near the landfill and transfer station. To increase the litter pickup level of service, additional resources may be needed. To be effective, a litter control program needs to address:

- Litter prevention and deterrence
- Regular removal of litter with the ability to quickly respond to incidents of litter on the roadway

Reviewed by:	<u>12-23-04</u>
Co Atty:	<u>J. Dietrich</u>
DFS:	_____
Other:	_____
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No. <u>BESS01</u>	

IMMEDIATE RESPONSE TO LITTER

Solid Waste Management Division staff has initiated an immediate response to the increased amount of litter on the road.

- An inspector has been assigned to observe traffic approximately one hour each day, at random times, in an attempt to identify the sources of the litter.
- Litter pickup efforts have been increased along the roadways leading to the landfill and transfer station. Pick-up crews are comprised of temporary laborer and court-assigned community service workers under the direction of a Seminole County employee. Contractors have been directed to provide weekly litter pickup under the County's right-of-way mowing contracts. Increased temporary labor costs and contract costs will affect the responsible divisions' budgets.
- Notification memos are being provided to each driver that hauls material to the facilities. The memos ask the drivers to make sure that their loads are secured, and it reminds the drivers that traffic citations may be issued for unsecured loads. Traffic citations issued to a commercial driver assess points against the Commercial Drivers' License.
- Formal letters are being sent to all franchise holders and Certificate of Public Convenience and Necessity (COPCN) holders advising the companies of the importance of securing loads and the potential penalties for unsecured loads.
- The Sheriff's Office has been contacted concerning litter enforcement.
- Solid Waste Management Division staff is stepping up efforts to make sure the containment systems on the transfer trailers are intact.

ADMINISTRATIVE APPROACHES TO LITTER PREVENTION AND ENFORCEMENT

Administrative means are available to assure that refuse hauling vehicles do not litter. The County can modify its Commercial Solid Waste Collection Franchises to assess progressive administrative charges for litter violations. The Residential Solid Waste Collection Franchise already addresses uncontained loads and spillage. Language in the Residential Franchise Agreement can be strengthened if the franchisees agree to a revision to the agreement. Already in place is a potentially effective enforcement tool - the Seminole County Code. One of the best attributes of the Code Enforcement process is that it appears to apply to all solid waste haulers, whether they have a franchise or not.

OPTIONS

Option 1 - Residential Franchise Agreements

Litter is identified as a complaint issue in the new Residential Solid Waste Franchise Agreement that is effective April 1, 2004. Under Section 16, shown below, each incidents of litter will count toward the cumulative total complaints charged against the residential hauler each month.

Excerpt from new Residential Solid Waste Collection Franchise Agreement:

*Section 16 Interpretation of Performance, Administrative Charges and Service Violations
(b) Administrative Charges.*

The Contractor Administrator shall review the information submitted and levy administrative charges for each complaint received exceeding 2.5 per 1,000 customers per calendar month for the following violations:

(E) Failure to immediately clean up spillage of any collected material or failure to immediately clean up leaking of vehicle fluids caused by Contractor.

A \$30.00 administrative charge shall be levied for each complaint exceeding 2.5 per 1,000 per customers per calendar month.

Attending the accepted Residential Franchise Agreements will require the haulers agreeing to a contract change.

Option 2 - Nonexclusive Commercial Franchise Agreements

In the Nonexclusive Commercial Franchise Agreements, littering is a violation of the Agreement. As currently constructed, there is no administrative charge structure provided in the Agreement. It may be possible to add a progressive administrative charge structure as indicated below. Nonexclusive Commercial Franchise Agreements are issued for a one-year term, from October 1 to September 30, annually. The Agreements can be modified before the next renewal cycle. Any changes before the Agreements are renewed will need to be agreed to by the franchisee.

Excerpt from current Nonexclusive Commercial Franchise:

Section 17. SPILLAGE and LITTER -

The Contractor shall not litter or cause any spillage to occur on private property or the public right of way during collection Services. The Contractor's collection vehicles shall be equipped with containers, lids, other appropriate covering or enclosed so that the leaking, spilling and blowing of litter or spillage is prevented. The Contractor shall immediately clean up all litter and spillage caused by the Contractor. The Contractor shall equip all collection vehicles with brooms, shovels, absorbent material, a leak proof absorbent material receptacle and any other tools necessary to clean up any spillage or fluid leakage.

Below is proposed language for progressive administrative charges that may be added to the Commercial Franchise Agreement:

ADMINISTRATIVE FINES

Failure to contain Solid Waste that is being transported in a collection vehicle:

\$25 first incident in one calendar month;

\$50 second incident in one calendar month;

\$100 third, and each subsequent incident in one calendar month

All uncovered loads will be charged double at Designated Disposal Facility.

Failure to pick up or clean up the Contractor's spillage of Solid Waste or fluids within 2 hours of notification:

\$25 first incident in one calendar month;

\$50 second incident in one calendar month;

\$100 third, and each subsequent incident in one calendar month

Option 3 - Seminole County Code, Chapter 235

Seminole County Code addresses litter from refuse collection vehicles operating on County roadways. More vigorous enforcement of these codes can be undertaken by County Code Enforcement and the Solid Waste Management Division. Under Chapter 235, litter enforcement can be taken against haulers that do not hold a Seminole County Franchise.

Violations of Chapter 235 are considered Class II code violations and are subject to a \$100 civil penalty.

Excerpts from Seminole County Code, Chapter 235:

PART 2	REGULATION OF WASTE GENERALLY
Sec. 235.26	Fees
	The Board is hereby authorized to charge and collect fees from the providers and users of Waste Collection services to defray the cost and expenses necessary for the establishment, maintenance and operation of Waste Collection and disposal services. (§ 4, Ord. No. 91-16, 11-26-91).
Sec. 235.79	Collection vehicles.
(b)	All vehicles used for Residential Collection Service or Commercial Collection Service shall be packer loader trucks or other vehicles as approved by County which are reasonably watertight and securely covered to prevent leakage, spillage, or blowing of debris.
Sec. 235.81	Transportation; leakage and spillage.
(a)	All Waste generated and Collected in the unincorporated County shall be transported to County designated facilities in packer loader trucks or other vehicles including trailers, securely covered to prevent leakage, spillage, or blowing of debris.
(b)	A charge of an amount equal to the disposal fee will be charged to any Person who fails to comply with subsection (a) above.
(c)	It is unlawful for any Person to permit Waste to spill, leak, blow, or drop from any Collection vehicle onto any public or private property, roadway, or right-of-way.

Option 4 - Shared Responsibility Solution

Continued County efforts to pickup litter may require additional resources beyond what is currently available. One potential solution may assure the responsiveness of County crews providing litter pickup while sharing the responsibility for pickup with the waste haulers. Currently, the County charges application fees for Commercial Franchises and Certificates of Public Convenience and Necessity (COPCNs). Modifying these fees could generate revenues from commercial haulers to pay for litter pickup. Additionally, flat rate charges could be adjusted by a nominal amount so that individuals self-hauling waste to the disposal facilities support the litter pickup efforts. Final fees and costs for this program could be brought forward during the budget process. The County Inspector that has been assigned to monitor traffic around the landfill and transfer station is attempting

to determine if one waste contractor or one type of waste hauling vehicle is the principal litter causing culprit.

The effort to eliminate litter will take continued investigation, the implementation of new ideas, and continued reminders to all drivers. County staff will continue to monitor litter in proximity to the landfill and transfer station and take steps to eliminate this problem.

Litter from Solid Waste Hauling Activities

January 11, 2005

Background on Litter

- Litter is a problem near the landfill and transfer station
- Three types of vehicles haul refuse
 - Commercial garbage trucks
 - Transfer trailers
 - Self-haul vehicles
- Litter appears to be a bigger problem in the winter months

Immediate Response to Litter

- Inspector assigned to monitor traffic
- Inspections of County trucks increased
- Litter pickup efforts increased by County forces and contractors
- Letters sent to all haulers
- Memos handed to drivers
- Sheriff's Office contacted

Administrative Approaches

- Option 1 – Residential Solid Waste Collection Franchises
- Option 2 – Commercial Solid Waste Collection Franchises
- Option 3 – County Code
- Option 4 – Shared Responsibility

Residential Solid Waste Franchises

- In new agreement, litter counts as a complaint
- Complaints are cumulative
- Above threshold, \$30 charge per occurrence
- Potential to change agreement

Commercial Solid Waste Franchises

- Currently no administrative charges
- Agreements for one-year terms

Proposed change to Commercial Franchises

1. Failure to contain solid waste that is being transported in a collection vehicle
2. Failure to pickup or cleanup the Contractor's spillage of solid waste within 2 hours of notification
 1. \$25 first incident in a calendar month
 2. \$50 second incident in a calendar month
 3. \$100 third and subsequent incident in a calendar month

County Code

- It is a violation of Chapter 235 for a waste hauler to litter
- Enforcement through Code Enforcement
- Applies to all waste haulers regardless of franchise
- Class II code violations are subject to a \$100 civil penalty

Shared Responsibility

- Additional litter pickup effort may need additional resources
- Litter pickup by County resources with funding by litter producers
- Investigator monitoring traffic is looking for sources of litter
- Possible to adjust fees, if necessary

Conclusion

- Immediate response including pickup
- Modification to franchises
- Enforcement of current codes
- Other potential responses